

**FIFTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 20, 1935.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Will Martin.

The roll was called, a quorum being present, the following Senators answering their names:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Blackert.

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.****Senate Bill No. 19.**

By Senator Woodruff:

S. B. No. 19, A bill to be entitled "An Act making appropriation of funds out of the State Treasury, not otherwise appropriated, for the purpose of paying certain Deficiency Certificates for fees and costs of sheriffs, county attorneys, and clerks in felony cases for expense incurred or fees accrued for services rendered during the year ended August 31, 1935, and declaring an emergency."

Read and referred to the Committee on Finance.

**Senate Resolution No. 5.**

By Senators Pace and Hornsby:

Whereas, Honorable Tomas G. Pollard, former State Senator from Ty-

ler, and Honorable J. F. Donahue, Editor of the Tyler Courier Times and Tyler Morning Telegraph, and Miss Louise Boren, Queen of the Rose Festival are in the corridors of the Capitol building; now, therefore, be it

Resolved, That they be given the privileges of the floor for the day and be invited to briefly address the Senate.

Read and adopted unanimously.

The Chair appointed the following committee to escort the distinguished visitors to the platform: Senators Pace, Redditt, and Hornsby.

The Chair requested Senator Pace to introduce Hon. Tomas Pollard, former Senator from Tyler, and he in turn presented Hon. J. F. Donahue, who addressed the Senate extending an invitation to the members to visit the Rose Festival.

Senator Pace presented Miss Louise Boren, "Queen of the Rose Festival."

Senator Small moved that the Senate extend to the people of Tyler, its appreciation for the roses and for the invitation to attend the Rose Festival.

Senator Beck seconded the motion. The motion prevailed unanimously.

**Messages From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1935.

Hon. Will M. Martin, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 4, A bill to be entitled "An Act amending Article 1302, Revised Civil Statutes of Texas of 1925 by adding thereto a new sub-section authorizing the creation of corporations to engage in the manufacture, sale and transportation of alcoholic liquors; and amending Subdivision 18 of said article; and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1935.  
Hon. Will M. Martin, President Pro  
Tempore of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has adopted the conference commit-  
tee report on S. B. No. 2 by a vote  
of 102 yeas and 31 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1935.  
Hon. Will M. Martin, President Pro  
Tempore of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

S. B. No. 3, A bill to be entitled  
"An Act to amend Chapter 3 of the  
Special and General Laws of the  
Fourth Called Session of the Forty-  
third Legislature and to amend Sec-  
tion 3 of Chapter 19, Acts of the  
Regular Session of the Forty-fourth  
Legislature to aid the Brazos River  
Conservation and Reclamation Dis-  
trict, a State agency, in acquiring the  
necessary lands, leases, easements  
and/or acquittances, proper struc-  
tures, and reservoirs suitable for the  
control of flood waters of the Brazos  
River watershed declared to be a  
public calamity, granting and donat-  
ing with certain limitations to the  
District for a period of 20 years all  
of the State ad valorem taxes in the  
following counties, viz: Austin Coun-  
ty, Brazoria County, Burleson Coun-  
ty, Fort Bend County, Grimes Coun-  
ty, Waller County, Washington Coun-  
ty, Brazos County, Milam County,  
and Robertson County; said grant  
being contingent upon the receiving  
by said district of a grant and/or  
loan and/or allotment from the  
United States of America or others  
on or before January 1, 1937, of a  
sum reasonably sufficient to effect  
the purpose of this Act; authorizing  
the district to issue negotiable bonds,  
and declaring certain things inci-  
dental to said purposes, providing  
a penalty for the misapplication of  
the moneys thus donated, providing  
for the investment of available funds,  
providing for a system of accounting,  
providing that said tax diversion is  
based on 1934 valuation and declar-  
ing an emergency."

Read and referred to the Com-  
mittee on Mining, Irrigation and  
Drainage.

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

At Ease.

On motion of Senator Oneal the  
Senate at 10:08 o'clock, stood at  
ease until 10:30 o'clock a. m.

#### Senate Called to Order.

The Chair, President Pro Tempore  
Will Martin, called the Senate to or-  
der at 10:30 o'clock a. m.

#### Special Order.

Order of business, was bills set for  
special order today at 11:00 o'clock  
a. m.

#### Motion to Take Up.

Senator Rawlings moved to take  
up S. B. Nos. 7, 8, 9, 10 in lieu of  
S. B. No. 5, which had been set first  
in order of bills set for special or-  
der.

The motion prevailed by viva voce  
vote.

#### Senate Bill No. 7.

The Chair laid before the Senate  
S. B. No. 7 which had been made  
special order of business.

By Senator Rawlings:

S. B. No. 7, A bill to be entitled  
"An Act validating and approving  
all proceedings had by cities and  
towns in the issuance and sale of  
revenue obligations under the pro-  
visions of Articles 1111 to 1118, Re-  
vised Civil Statutes of 1925, as  
amended, to aid in financing any un-  
dertaking for which a loan or grant  
has been made by the United States  
through the Federal Emergency Ad-  
ministrator of Public Works, or any  
other governmental agency, declar-  
ing that such bonds, notes or war-  
rants shall be valid and binding  
special obligations of such cities or  
towns, and validating the pledge of  
revenues to the payment of said  
bonds, and declaring an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

Ordered printed by the Senate.

Amend S. B. No. 7 by adding to Section 1:

"Provided that this Act shall not apply to any proceedings bonds, notes or warrants referred to herein, the validity of which is now being attacked in any court of competent jurisdiction."

VAN ZANDT.

Read and Senator Van Zandt moved the adoption of the amendment.

Senator Poage sent up the following substitute.

Amend S. B. No. 7 by adding at the end of Section 1 the following: Nothing in this act shall be constructed so as to apply to any order, resolution, ordinance, proceeding or obligation which on September 20, 1935, was involved in litigation.

POAGE.

Read.

Senator Van Zandt withdrew his amendment by unanimous consent of the Senate.

Senator Van Zandt received unanimous consent to add to Senator Poage's amendment the words "in any court of competent jurisdiction," and to add his name to the Poage amendment.

Read and adopted.

The amendment as amended was adopted.

Amend S. B. No. 7 by striking out the words "or lacked the power" in Section 1, line 41.

DAVIS.

Read.

Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Davis.

A second reading was called for.

The motion to table prevailed by the following vote:

Yeas—10.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Shivers.
Cotten.	Van Zandt.
Hornsby.	Woodruff.

Nays—9.

Collie.	Isbell.
Davis.	Martin.
DeBerry.	Poage.
Hill.	Sanderford.
Holbrook.	

Present—Not Voting.

Rawlings.

Absent.

Pace.	Small.
Redditt.	Sulak.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Verification Called for.

Senator Holbrook called for a verification of the vote.

Verification showed the roll call to be correct.

Amend S. B. No. 7, line 42, by striking out the word "be" between the words "shall" and "in."

COLLIE.

Read and adopted.

The bill was read second time as amended and passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 7 was put on its third reading and final passage by the following vote:

Yeas—19.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Sanderford.
DeBerry.	Shivers.
Hill.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

Nays—2.

Davis.	Holbrook.
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Absent.

Pace.	Small.
Redditt.	

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed by the following vote:

**Yeas—17.**

Beck.	Poage.
Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Hornsby.	Shivers.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.
Oneal.	

**Nays—4.**

Collie.	Hill.
DeBerry.	Holbrook.

**Present—Not Voting.**

Davis.

**Absent.**

Pace.

**Absent—Excused.**

Fellbaum.	Small.
Hopkins.	Stone.
Moore.	Westerfeld.
Regan.	

**Senate Bill No. 8.**

The Chair laid before the Senate S. B. No. 8 which had been made special order.

By Senator Rawlings:

S. B. No. 8, A bill to be entitled "An Act validating all school districts heretofore established, validating all elections and the levy of taxes by school districts, validating all proceedings had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works, providing that this Act shall not apply to districts which may have been established or consolidated and later returned to its original status, providing that this Act shall not apply to any district the organization or creation or tax levy of which is now involved in litigation, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Ordered printed by the Senate.

**Conference Committee Report.**

Senator Oneal yielded to Senator Redditt to send up the conference committee report on S. B. No. 2.

Committee Room,

Austin, Texas, Sept. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on S. B. No. 2, have had same under consideration and beg to report back with recommendation that it do pass in the form attached hereto.

Respectfully submitted,  
On the part of the House.

LEONARD,  
AIKIN,  
GOOD,  
WOOD.

On the part of the Senate.

REDDITT,  
RAWLINGS,  
SMALL.

By Redditt.

S. B. No. 2.

**A BILL**  
**To Be Entitled**

An Act making an appropriation of the sum of One Hundred Thousand (100,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary to pay the contingent expenses and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fourth Legisla-

ture, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session, for which claims have been filed.

Sec. 2. The certificate of the Secretary of the Senate, approved by the President of the Senate, or the certificate of the Chief Clerk of the House of Representatives approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which to audit the claims for mileage and per diem of members and the salaries and per diem of officers and employees of the First Called Session of the Forty-fourth Legislature, also unpaid expenses of the Forty-fourth Legislature, Regular Session, and he shall issue the necessary warrants for same upon the Treasury of the State of Texas.

Sec. 3. The certificate of the chairman of the committee on contingent expenses of the Senate, approved by the President of the Senate, or the certificate of the chairman of the committee on contingent expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to the Comptroller to issue upon the Treasury of the State of Texas for the payment of accounts for contingent expenses for either House, also to cover unpaid expenses of the Regular Session of the Forty-fourth Legislature.

Sec. 4. Providing, however, that a record of all moneys appropriated in this bill shall be made available for public inspection the same as any other public record in this State. The Senate and House shall each publish an itemized account of expenditures in its own Journal and state the amount spent by each member of each House, as it has been done in House Journal.

Sec. 5. The fact that the First Called Session of the Forty-fourth Legislature of the State of Texas is now in session, and public policy requires that the appropriations made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Redditt moved the adoption of the conference committee report.

The motion prevailed by the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Senate Bill No. 8.

The question recurred on the passage to engrossment of S. B. No. 8.

Amend S. B. No. 8 by striking out the following words in lines 52 to 54, inclusive, "notwithstanding any lack of power (other than constitutional) of such school district to authorize and issue such bonds, or to sell, execute or deliver the same, and"

DAVIS.

Read.

On motion of Senator Davis the amendment was adopted by the following vote:

Yeas—11.

Beck.	Martin.
Collie.	Poage.
Davis.	Sanderford.
DeBerry.	Sulak.
Hill.	Woodruff.
Holbrook.	

Nays—9.

Blackert.	Oneal.
Cotten.	Pace.
Hornsby.	Rawlings.
Isbell.	Van Zandt.
Neal.	

Absent.

Burns.	Shivers.
Redditt.	Small.

**Absent—Excused.**

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Amend S. B. No. 8 by adding at the end of line 62, page 1, the following:

"Or contest before a county board of school trustees, the State Superintendent of Public Instruction, or the State Board of Education."

WOODRUFF.

Read and adopted.

The bill was read second time as amended and passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage by the following vote:

**Yeas—21.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

**Nays—1.**

Holbrook.

**Absent.**

Redditt.	Small.
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**Absent—Excused.**

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed by the following vote:

**Yeas—16.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.

**Nays—5.**

Collie.	Holbrook.
DeBerry.	Sanderford.
Hill.	

**Absent.**

Redditt.	Small.
Shivers.	

**Absent—Excused.**

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

**Vote Recorded.**

Senator Rawlings asked unanimous consent of the Senate that Senator Regan be recorded as voting "yea" on final passage of S. B. No. 7 and S. B. No. 8.

Unanimous consent was granted.

**Senate Bill No. 9.**

Senator Hornsby received unanimous consent to take up S. B. No. 9, which had been made special order.

The Chair laid before the Senate S. B. No. 9.

By Senators Hornsby and Rawlings:

S. B. No. 9, A bill to be entitled "An Act validating, legalizing and approving severally all the acts of the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers College, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the College of Arts and Industries, in the authorization and issuance of bonds, notes or warrants heretofore issued or that have heretofore been authorized but not yet issued, validating and approving the pledge of revenues to the payment of said bonds and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Ordered printed by the Senate.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 9 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

#### Senate Bill No. 10.

The Chair laid before the Senate S. B. No. 10, which had been made special order.

By Senator Rawlings:

S. B. No. 10, A bill to be entitled "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature by providing that warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works

or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments; and amending Section 4 of said Act so as to provide that powers conferred by this Act shall not be exercised after June 30, 1937, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Ordered printed by the Senate.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 10 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.
Neal.	

Nays—1.

Holbrook.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed by the following vote:

Yeas—17.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
DeBerry.	Shivers.
Hornsby.	Small.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	

Nays—5.

Collie.	Holbrook.
Davis.	Sanderford.
Hill.	

## Absent.

Poage. Woodruff.

## Absent—Excused.

Fellbaum. Regan.  
Hopkins. Stone.  
Moore. Westerfeld.

## Senate Bill No. 5.

The Chair laid before the Senate S. B. No. 5 which had been made special order.

By Senator Rawlings:

S. B. No. 5, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this act shall control over any provisions in any city charter to the contrary and declaring an emergency."

Ordered printed by the Senate.

Read third time and finally passed by the following vote:

## Yeas—13.

Beck. Oneal.  
Blackert. Pace.  
Burns. Rawlings.  
Cotten. Small.  
Hornsby. Sulak.  
Martin. Van Zandt.  
Neal.

## Nays—7.

Collie. Holbrook.  
Davis. Isbell.  
DeBerry. Sanderford.  
Hill.

## Absent.

Poage. Shivers.  
Redditt. Woodruff.

## Absent—Excused.

Fellbaum. Regan.  
Hopkins. Stone.  
Moore. Westerfeld.

## Senate Bill No. 11.

The Chair laid before the Senate S. B. No. 11 which had been made special order.

By Senator Rawlings:

S. B. No. 11, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works project, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Ordered printed by the Senate.

Amend S. B. No. 11 by striking out the following words in lines 39 to 42, inclusive: "Notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof to authorize and issue such bonds, or to sell, execute or deliver the same, and"

DAVIS.

Read.

Senator Van Zandt sent up the following substitute for the amendment by Senator Davis:

Amend S. B. No. 11 by adding to Sec. 3 the following:

"Provided, however, that this act shall not apply to any proceeding, order or obligation the validity of which is now being attacked in some court of competent jurisdiction.

VAN ZANDT.

Read.

## Point of Order.

Senator Davis raised the point of order that the substitute amendment does not touch on the same subject as the amendment.

The Chair stated the question, "shall the substitute for the proposed amendment be adopted."



The substitute amendment failed of adoption by the following vote:

Yeas—10.

Blackert.	Pace.
Hornsby.	Rawlings.
Isbell.	Small.
Neal.	Van Zandt.
Oneal.	Woodruff.

Nays—11.

Beck.	Holbrook.
Burns.	Martin.
Collie.	Poage.
Davis.	Sanderford.
DeBerry.	Sulak.
Hill.	

Absent.

Cotten.	Shivers.
Redditt.	

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	Stone.
Moore.	Westerfeld.

The question recurred on the adoption of the amendment offered by Senator Davis.

Motion to Table.

Senator Rawlings moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—10.

Blackert.	Pace.
Burns.	Rawlings.
Hornsby.	Small.
Isbell.	Van Zandt.
Oneal.	Woodruff.

Nays—10

Beck.	Martin.
Collie.	Neal.
Davis.	Poage.
Hill.	Sanderford.
Holbrook.	Sulak.

Absent.

Cotten.	Shivers.
Redditt.	

Absent—Excused.

Fellbaum.	Stone.
Hopkins.	Westerfeld.
Moore.	

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Regan (absent) who would vote yea.

The amendment failed of adoption by the following vote:

Yeas—9.

Beck.	Martin.
Collie.	Poage.
Davis.	Sanderford.
Hill.	Sulak.
Holbrook.	

Nays—11.

Blackert.	Pace.
Burns.	Rawlings.
Hornsby.	Small.
Isbell.	Van Zandt.
Neal.	Woodruff.
Oneal.	

Absent.

Cotten.	Shivers.
Redditt.	

Absent—Excused.

Fellbaum.	Stone.
Hopkins.	Westerfeld.
Moore.	

(Pairs Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Regan (absent) who would vote nay.

The bill was read second time and passed to engrossment.

Senator Rawlings moved to suspend the constitutional rule requiring bills to be read on three several days so as to put S. B. No. 11 on its third reading and final passage.

The motion lost by the following vote:

Yeas—15.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
DeBerry.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Woodruff.
Neal.	

Nays—5.

Collie.	Holbrook.
Davis.	Poage.
Hill.	

**Present—Not Voting.**

Sulak.

**Absent.**

Redditt.

Shivers.

**Absent—Excused.**

Cotten.

Regan.

Fellbaum.

Stone.

Hopkins.

Westerfeld.

Moore.

Senator Holbrook called for the enforcement of the Rules.

The Chair requested the Sergeant-at-Arms to seat the Senators.

**Motion to Adjourn.**

Senator Holbrook at 12:48 o'clock p. m. moved that the Senate adjourn until 10:00 o'clock a. m. Monday.

Senator Rawlings moved as a substitute that the Senate adjourn until 12:49 o'clock p. m. today.

The motion by Senator Holbrook lost by the following vote:

**Yeas—8.**

Burns.

Isbell.

Davis.

Pace.

Hill.

Poage.

Holbrook.

Sulak.

**Nays—13.**

Beck.

Oneal.

Blackert.

Rawlings.

Collie.

Sanderford.

DeBerry.

Small.

Hornsby.

Van Zandt.

Martin.

Woodruff.

Neal.

**Absent—Excused.**

Cotten.

Regan.

Fellbaum.

Shivers.

Hopkins.

Stone.

Moore.

Westerfeld.

Redditt.

The question recurred on the motion by Senator Rawlings to adjourn until 12:49 p. m. today.

**Point of Order.**

Senator Woodruff raised the point of order that the motion was out of order, the Senate having adjourned yesterday until 10 a. m. today, and that the effect of the motion would be to create two legislative days on the same day.

The Chair, Senator Small presiding, sustained the point of order.

Senator Burns moved that the Senate adjourn until 9:45 o'clock a. m. Monday.

**Motion to Recess.**

Senator Rawlings as a substitute moved that the Senate recess until 2:00 o'clock p. m.

The motion by Senator Burns lost by the following vote:

**Yeas—8.**

Burns.

Isbell.

Davis.

Sanderford.

Hill.

Small.

Holbrook.

Sulak.

**Nays—13.**

Beck.

Oneal.

Blackert.

Pace.

Collie.

Poage.

DeBerry.

Rawlings.

Hornsby.

Van Zandt.

Martin.

Woodruff.

Neal.

**Absent—Excused.**

Cotten.

Regan.

Fellbaum.

Shivers.

Hopkins.

Stone.

Moore.

Westerfeld.

Redditt.

Senator Rawlings withdrew his motion to recess and called for the regular order of business which was S. B. No. 6.

**Motion to Concur.**

Senator Poage moved that the Senate do concur in House amendments to S. B. No. 3.

The motion to concur prevailed by the following vote:

**Yeas—22.**

Beck.

Oneal.

Burns.

Pace.

Collie.

Poage.

Cotten.

Rawlings.

Davis.

Redditt.

Hill.

Sanderford.

Holbrook.

Small.

Hornsby.

Stone.

Isbell.

Sulak.

Martin.

Van Zandt.

Neal.

Woodruff.

## Nays—2.

Blackert. DeBerry.  
Absent—Excused.  
Fellbaum. Regan.  
Hopkins. Shivers.  
Moore. Westerfeld.

## Motion to Adjourn.

Senator Hill, at 1:00 o'clock p. m., moved that the Senate adjourn until 9:00 o'clock a. m. Saturday.

The motion lost by viva voce vote.

## Senate Bill No. 6.

The Chair laid before the Senate S. B. No. 6 which had been made special order.

By Senator Rawlings:

S. B. No. 6, A bill to be entitled, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Ordered printed by the Senate.

## Point of Order.

Senator Hill raised the point of no quorum. The roll call was ordered. The roll call disclosed no quorum.

Verification of vote called for.

Verification showed the roll call to be correct.

## Call of the Senate.

Senator Rawlings moved that a call of the Senate be ordered to secure and maintain a quorum until final disposition of bills set.

The motion was seconded by the required number.

The motion prevailed by the following vote:

## Yeas—14.

Beck. Neal.  
Blackert. Oneal.  
Collie. Poage.  
DeBerry. Rawlings.  
Hornsby. Small.  
Isbell. Van Zandt.  
Martin. Woodruff.

## Nays—5.

Burns. Pace.  
Davis. Sanderford.  
Hill.

## Absent.

Holbrook.

## Absent—Excused.

Cotten. Regan.  
Fellbaum. Shivers.  
Hopkins. Stone.  
Moore. Sulak.  
Redditt. Westerfeld.

The Chair, Senator Small presiding, requested the Secretary to furnish the names of the absent Senators to the Sergeant-at-Arms and that he be instructed to lock the the doors and allow no one to leave and that the absent Senators be brought in.

## Senators Excused.

Senator Sanderford moved that Senator Stone be excused from the call of the Senate on account of sickness.

The motion prevailed by viva voce vote.

## Senate Called to Order.

The Chair called the Senate to order at 1:20 o'clock p. m., a quorum having been developed as shown by the following roll call:

Beck. Neal.  
Blackert. Oneal.  
Burns. Pace.  
Collie. Poage.  
Davis. Rawlings.  
DeBerry. Sanderford.  
Hill. Small.  
Hornsby. Sulak.  
Isbell. Van Zandt.  
Martin. Woodruff.

## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

## Senate Bill No. 6.

The question recurred on engrossment of S. B. No. 6.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 6 was put on its third reading and final passage by the following vote:

## Yeas—18.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis.	Rawlings.
DeBerry.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Woodruff.

## Nays—2.

Hill.	Sulak.
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## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed by the following vote:

## Yeas—17.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Davis.	Rawlings.
DeBerry.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Woodruff.
Neal.	

## Nays—2.

Collie.	Sulak.
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Present—Not Voting.

Hill.

## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

## Senate Bill No. 12.

The Chair laid before the Senate S. B. No. 12.

By Senator Rawlings:

S. B. No. 12, A bill to be entitled "An Act providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Ordered printed by the Senate.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 12 was put on its third reading and final passage by the following vote:

## Yeas—18.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis.	Rawlings.
DeBerry.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Woodruff.

## Nays—1.

Sulak.

Present—Not Voting.

Hill.

## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed  
by the following vote:

## Yeas—15.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
DeBerry.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Woodruff.
Neal.	

## Nays—4.

Collie.	Poage.
Davis.	Sulak.

## Present—Not Voting.

Hill.

## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

## Senate Bill No. 11.

Senator Rawlings called up S. B.  
No. 11.

On motion of Senator Rawlings  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and S. B. No. 11 was put  
on its third reading and final passage  
by the following vote:

## Yeas—17.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
DeBerry.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Woodruff.
Neal.	

## Nays—3.

Davis.	Sulak.
Hill.	

## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

Read third time and finally passed  
by the following vote:

## Yeas—14.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Hornsby.	Sanderford.
Isbell.	Small.
Martin.	Van Zandt.
Neal.	Woodruff.

## Nays—6.

Collie.	Hill.
Davis.	Poage.
DeBerry.	Sulak.

## Absent—Excused.

Cotten.	Redditt.
Fellbaum.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Moore.	Westerfeld.

## Bill Referred.

H. B. No. 4 was read and referred  
to the Committee on State Affairs.

## Bill and Resolution Signed.

The Chair, President Pro Tem.  
Will Martin, gave notice of signing,  
and did sign, in the presence of the  
Senate, after their captions had been  
read, the following bill and resolu-  
tion:

H. C. R. No. 1.  
S. B. No. 2.

## Adjournment.

On motion of Senator Rawlings  
the Senate at 1:25 o'clock p. m. ad-  
journed until Monday morning at  
10:00 o'clock a. m.

## APPENDIX.

## Committee on Engrossed Bills.

## Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 15  
carefully examined and compared  
and find same correctly engrossed.

DAVIS, Chairman.

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, Sept. 20, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 2 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

**SIXTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 23, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

**Absent—Excused.**

Fellbaum.	Stone.
Moore.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

Senator Hill requested unanimous consent to have read and printed in the Journal an editorial.

The editorial was read.

There was objection to printing same in the Journal.

Senator Hill withdrew his request.

**Senate Bill No. 20.**

By Senators Regan, Beck:

S. B. No. 20, A bill to be entitled "An Act making certain appropriations for the hospitalization of indigent tuberculous patients in private sanatoria within this State; authorizing the Board of Control and the Superintendent of the State Tuberculosis Sanatorium to enter into contracts with private sanatoria for the hospitalization of such tuberculars under the rules and regulations as at present established by law for admission to the State Tuberculosis Sanatorium, and removing the restrictions as to color in the hospitalization of tuberculous patients in private sanatoria; limiting the amount to be paid per patient per day to the sum of \$2.50; increasing the salary of the Superintendent of the State Tuberculosis Sanatorium as compensation for such additional service; providing that if any portion of this Act be held invalid, the remaining portions shall be unaffected thereby; and declaring an emergency."

Read and referred to the Committee on Finance.

**Senate Bill No. 21.**

By Senator Burns:

S. B. No. 21, A bill to be entitled "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said system in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said system, and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the general manager of the State Prison System; and providing for the depositing of said fund in equal amounts in the Huntsville Bank and Trust Co. and the First National Bank, all of Huntsville, Texas; and providing for reports of the condition of the Industrial Revolving Fund by the depositories and providing for the manner in which warrants may be drawn on said fund, and declaring an emergency."

Read and referred to the Committee on Finance.

**Senate Bill No. 22.**

By Senator Shivers:

S. B. No. 22, A bill to be entitled "An Act to provide for the general